

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KIMA HAMILTON,

Plaintiff,

v.

Case No. 17-CV-1725

DELTA AIR LINES, INC.,

Defendant.

DELTA AIR LINES, INC.'S ANSWER AND AFFIRMATIVE DEFENSES

NOW COMES Defendant Delta Air Lines, Inc. (“Defendant”), by and through its attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, and by way of Answer, admits, denies, and asserts as follows:

I. NATURE OF ACTION

101. In answer to paragraph 101, this paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies the same.

II. JURISDICTION AND VENUE

201. In answer to paragraph 201, this paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies the same.

202. In answer to paragraph 202, this paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

III. PARTIES

301. In answer to paragraph 301, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

302. In answer to paragraph 302, admit Defendant is a corporation. The remainder of the paragraph contains legal conclusions to which no response is required. To the extent a response is required, Defendant denies the same.

IV. ALLEGATIONS OF FACT AS TO ALL CAUSES OF ACTION

401. In answer to paragraph 401, upon information and belief, Defendant admits.

402. In answer to paragraph 402, upon information and belief, Defendant admits.

403. In answer to paragraph 403, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

404. In answer to paragraph 404, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

405. In answer to paragraph 405, Defendant admits.

406. In answer to paragraph 406, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

407. In answer to paragraph 407, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

408. In answer to paragraph 408, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

409. In answer to paragraph 409, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

410. In answer to paragraph 410, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

411. In answer to paragraph 411, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

412. In answer to paragraph 412, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

413. In answer to paragraph 413, Defendant admits.

414. In answer to paragraph 414, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

415. In answer to paragraph 415, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

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426. In answer to paragraph 426, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

427. In answer to paragraph 427, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

428. In answer to paragraph 428, upon information and belief, Defendant admits.

429. In answer to paragraph 429, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

430. In answer to paragraph 430, Defendant lacks information as to what Mr. Hamilton's testimony will be. Defendant affirmatively states that Mr. Hamilton violated Delta's Contract of Carriage.

431. In answer to paragraph 431, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

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468. In answer to paragraph 468, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

469. In answer to paragraph 469, Defendant denies.

470. In answer to paragraph 470, upon information and belief, Defendant admits.

471. In answer to paragraph 471, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

472. In answer to paragraph 472, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

473. In answer to paragraph 473, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

474. In answer to paragraph 474, Defendant lacks information sufficient to form a belief as to the truth of matter contained therein and therefore denies same and puts plaintiff to his proof thereon.

V. BASES OF LIABILITY

501. In answer to paragraph 501, Defendant denies.

VI. DAMAGES AND EQUITY

601. In answer to paragraph 601, Defendant denies.

602. In answer to paragraph 602, Defendant denies.

VII. CONDITIONS PRECEDENT

701. In answer to paragraph 701, this paragraph contains legal conclusions to which no response is required.

VIII. REQUEST FOR JURY TRIAL

801. In answer to paragraph 801, this paragraph contains a legal conclusion to which no response is required.

AFFIRMATIVE DEFENSES

As and for affirmative defenses to the plaintiff's complaint, Defendant submits the following:

1. Plaintiff's complaint fails to state a claim upon which relief can be granted.
2. Plaintiff's claim may be barred in whole or in part because any decisions or actions with respect to Plaintiff were made or taken by Defendant for legitimate, non-discriminatory, and non-pretextual reasons.
3. Plaintiff's claim may be barred by the doctrines of unclean hands and/or estoppel.
4. Plaintiff has violated Delta's Contract of Carriage.
5. Plaintiff is not entitled to receive punitive damages because Plaintiff has not pled facts sufficient to support such an award.

WHEREFORE, Delta Airlines, Inc. demands judgment as follows:

- a. for a dismissal of the plaintiff's complaint upon its merits;
- b. for the costs and disbursements of this action;
- c. for reasonable costs actual attorney fees; and
- d. for such other relief as this court deems just and equitable.

Dated this 9th day of February, 2018.

s/ Christina A. Katt

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